

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE


DAVID BRUCE,	)	
	)	CASE NO. C10-1877-RSM-JPD
Petitioner,	)	
	)	
v.	)	REPORT AND RECOMMENDATION
	)	
A. NEIL CLARK, Field Office Director, U.S)	)	
Immigration and Customs Enforcement,	)	
	)	
Respondent.	)	
_____	)	

On December 2, 2010, petitioner, proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his custody by the U.S. Immigration and Customs Enforcement. (Dkt. No. 8.) On January 5, 2011, however, respondent filed a Motion to Dismiss along with documentation, which indicates that petitioner was released from immigration custody pursuant to an Order of Supervision on December 15, 2010. (Dkt. No. 11 and 12.) Respondent contends that this matter has become moot and should be dismissed. *Id.*

For a federal court to have jurisdiction, “an actual controversy must exist at all stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no

01 longer detained by ICE, the Court finds that petitioner's habeas petition has become moot and  
02 should be dismissed without prejudice. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th  
03 Cir. 1992)(holding that the District Court properly dismissed plaintiff's claims that had become  
04 either moot or unripe). A proposed Order accompanies this Report and Recommendation.

05 DATED this 7th day of January, 2011.

06   
07 JAMES P. DONOHUE  
08 United States Magistrate Judge  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22